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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 CITIMORTGAGE, INC.,

11 Plaintiff,

12 vs.

13 FIDELITY NATIONAL TITLE GROUP, INC.;
14 FIDELITY NATIONAL TITLE INSURANCE
15 COMPANY; FIDELITY NATIONAL TITLE
16 AGENCY OF NEVADA, INC.; DOE
17 INDIVIDUALS I through X; and ROE
18 CORPORATIONS XI through XX, inclusive

19 Defendants.

Case No.: 2:21-cv-00538-GMN-NJK

**STIPULATION AND ORDER TO
CONTINUE STAY OF CASE**

19 Plaintiff, CitiMortgage, Inc. (“Plaintiff”) and Defendants Fidelity National Title Group,
20 Inc., Fidelity National Title Insurance Company and Fidelity National Title Agency of Nevada,
21 Inc. (“Defendants”, and with Plaintiff, the “Parties”), by and through their undersigned counsel,
22 hereby stipulate as follows:

23 This matter involves a title insurance coverage dispute wherein Plaintiff contends, and
24 Defendants disputes, that the title insurance claim involving an HOA assessment lien and
25 subsequent sale was covered by the subject policy of title insurance. There are now currently
26 pending in the United States District Court for the District of Nevada and Nevada state courts
27 more than one-hundred actions between national banks, on the one hand, and title insurers, on the
28 other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA

2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9 and/or CLTA 115.2/ALTA 5 Endorsements.

The Nevada Supreme Court recently heard oral argument on April 11, 2023 in two appeals involving similar coverage issues, *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737 (District Court Case No. A-18-781257-C) (“*PennyMac*”) and *Deutsche Bank Nat’l Trust Co. v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (District Court Case No. A-20-820307-C) (“*Deutsche Bank*”). The matters have been taken under submission and orders remain pending. The Parties anticipate that the Nevada Supreme Court’s decisions in the foregoing appeals may touch upon issues regarding the interpretation of policy and claims handling, that could potentially affect the disposition of the instant action.

Accordingly, the Parties believe an additional stay of sixty (60) days in the instant action will best serve the interests of judicial economy. The Parties request that the action be stayed for an additional sixty (60) days, through and including, September 25, 2023. The Parties are to submit a Joint Status Report on or before September 22, 2023. The Parties further agree that this stipulation and stay of this case is entered based on the specific circumstances surrounding this particular case, and that this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

NOW THEREFORE, the Parties, by and through their undersigned counsel, hereby stipulate and agree as follows:

1. In the interests of judicial economy and in efforts to preserve the Parties’ resources, the Parties request that this action be **STAYED FOR AN ADDITIONAL SIXTY (60) DAYS**, through and including, September 25, 2023.
2. All deadlines currently set in this case shall remain **VACATED**.
3. The Parties are to submit a Joint Status Report on or before September 22, 2023.
4. By entering into this Stipulation, none of the Parties is waiving its right to subsequently move the Court for an order lifting the stay in this action.

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1 5. Notwithstanding this Stipulation, the Parties may continue to conduct third-party
2 discovery (including by issuing and enforcing third-party subpoenas) to preserve
3 evidence.

4 **IT IS SO STIPULATED.**

5 DATED this 21st day of July, 2023.

DATED this 21st day of July, 2023.

6 WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN KARGHER LLP

7 /s/ Lindsay D. Dragon

/s/ Kevin S. Sinclair

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10 *Attorney for Plaintiff, CitiMortgage, Inc.*

*Attorney for Defendants, Fidelity National
Title Group, Inc., Fidelity National Title
Insurance Company and Fidelity National
Title Agency of Nevada, Inc.*

14 **IT IS SO ORDERED.**

15 Dated this 31 day of August, 2023.

18 
UNITED STATES DISTRICT JUDGE